



1 DENNIS M. PRINCE, ESQ.
2 Nevada Bar No.: 5092
3 TRACY A. EGLET, ESQ.
4 Nevada Bar No.: 6419
5 ERICA D. ENTSINGER, ESQ.
6 Nevada Bar No.: 7432
7 **EGLET PRINCE**
8 400 South Seventh Street, Suite 400, Box 1
9 Ph.: (702) 450-5400
10 Fx.: (702) 450-5451
11 eservice@egletlaw.com
12 *Attorneys for Plaintiff*

13 -and-

14 RYAN ANDERSON, ESQ.
15 Nevada Bar No.: 11040
16 JACQUELINE R. BRETELL, ESQ.
17 Nevada Bar No.: 12335
18 **MORRIS ANDERSON**
19 716 S. Jones Blvd.
20 Las Vegas, Nevada 89107
21 Tel: (702) 333-1111
22 *Attorneys for Plaintiff*

23 **UNITED STATES DISTRICT COURT**

24 **DISTRICT OF NEVADA**

25 LAUREN CALVERT, individually,

26 Plaintiff,
27 vs.

28 DARLENE ELLIS AS SUCCESSOR IN
INTEREST TO MICHAEL WAYNE ELLIS;
EXPRESS DAILY; DAILY EXPRESS, INC.;
DOE OWNER, I-V, DOE DRIVER, I-V, ROE
EMPLOYER, AND ROE COMPANIES,
inclusive,

Defendants.

CASE NO.: 2:13-cv-00464-APG-NJK

STIPULATION AND ORDER
REGARDING PLAINTIFF'S
PRE-TRIAL MOTIONS IN LIMINE



1 IT IS HEREBY STIPULATED by and between the parties hereto in a good faith effort to
2 meet and confer, through their respective counsel of record, Plaintiff's counsel, DENNIS M.
3 PRINCE, ESQ., TRACY A. EGLET, ESQ., ERICA D. ENTSINGER, ESQ., of the law firm
4 of EGLET PRINCE, and Defendants, EXPRESS DAILY and DAILY EXPRESS, INC., by and
5 through their attorneys of record, DOUGLAS B. MARCELLO, ESQ. of MARCELLO &
6 KIVISTO, LLC, and SCOTT A. FLINDERS, ESQ. of HUTCHISON & STEFFEN, LLC, on
7 December 18, 2015, that counsel in this matter have conferred and resolved several motions in
8 limine and will not introduce any evidence of or make any comment regarding the following at
9 trial:

- 12 1. Any reference to medical examiners as "Independent" [Omnibus Motion Dkt. 190,
13 Subpart 7];
- 14 2. Any reference to Plaintiff's collateral sources of payment of medical bills from health
15 insurance and/or Medicare/Medicaid, specifically excluding "liens" as being subject
16 to this stipulation [Omnibus Motion Dkt 190, Subpart 9];
- 17 3. Any evidence or argument relating to a recovery by Plaintiff would or would not be
18 subject to taxation [Omnibus Motion Dkt. 190, Subpart 15];
- 19 4. Any offers of compromise, negotiations, settlement offers or demands [Omnibus
20 Motion Dkt. 190, Subpart 17];
- 21 5. Any reference to the filing of pre-trial motions unless there is a violation thereof
22 [Omnibus Motion Dkt. 190, Subpart 18];
- 23 6. Any reference to the subject incident as an "unavoidable accident" or "Act of God"
24 [Omnibus Motion Dkt. 190, Subpart 21];"
- 25 7. In reliance upon Plaintiff's representation that she is no longer calling Mr. Sidlow as
26 a witness at trial, Defendants will not call Mr. Howden as a witness **unless** Plaintiff



1 presents testimony, evidence, or argument as to Plaintiff not being able to perform
2 her profession as an attorney due to any conditions she claims to be attributable to the
3 accident in which event Defendants may introduce Mr. Howden's opinions at trial.
4

5 [Plaintiff's MIL No. 11, Dkt. 195]

6 8. In reliance upon Plaintiff's representation that she will not be calling Mr. Sidlow as a
7 witness at trial, Defendants will not call Mr. Kirkendall as a witness at trial.

8 [Plaintiff's MIL No. 12, Dkt. 196]

9 Furthermore, the parties hereby stipulate and agree that all counsel will advise their
10 respective clients and witnesses regarding the Court's rulings on any Motions in Limine.
11

13 DATED this 29th day of December, 2015.

DATED this 29th day of December, 2015.

14 **EGLET PRINCE**

MARCELLO & KIVISTO

15 /s/ Erica D. Entsminger
16 ERICA D. ENTSMINGER, ESQ.
17 Nevada Bar No.: 7432
18 400 South Seventh Street, Suite 400
19 Las Vegas, Nevada 89101
Attorneys for Plaintiff

15 /s/ Douglas Marcello
16 DOUGLAS B. MARCELLO, ESQ.
17 *Pro Hac Vice*
18 1200 Walnut Bottom Road, Suite 331
19 Carlisle, Pennsylvania 17015
Attorneys for Defendants

20 DATED this 29th day of December, 2015.

21 **HUTCHISON & STEFFEN, LLC**

22 /s/ Scott A. Flinders
23 SCOTT A. FLINDERS, ESQ.
24 Nevada Bar No.: 9154
25 10080 West Alta Drive, Suite 200
26 Las Vegas, Nevada 89145
Attorneys for Defendants



ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES and for good cause shown:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED Neither party or their counsel may make reference to medical examiners as "Independent" [Omnibus Motion Dkt. 190, Subpart 7];

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor their counsel shall make any reference to Plaintiff's collateral sources of payment of medical bills from health insurance and/or Medicare/Medicaid, specifically excluding "liens" as being subject to this stipulation [Omnibus Motion Dkt 190, Subpart 9];

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor their counsel shall present any evidence or argument relating to a recovery by Plaintiff would or would not be subject to taxation [Omnibus Motion Dkt. 190, Subpart 15];

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor their counsel shall reference any offers of compromise, negotiations, settlement offers or demands [Omnibus Motion Dkt. 190, Subpart 17];

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor their counsel shall make any reference to the filing of pre-trial motions unless there is a violation thereof [Omnibus Motion Dkt. 190, Subpart 18];

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor their counsel shall make any reference to the subject incident as an “unavoidable accident” or “Act of God” [Omnibus Motion Dkt. 190, Subpart 21].

IT IS FURTHER ORDERED, ADJUDGED AND DECREED In reliance upon Plaintiff's representation that she is no longer calling Mr. Sidlow as a witness at trial, Defendants

1 will not call Mr. Howden as a witness **unless** Plaintiff presents testimony, evidence, or argument
2 as to Plaintiff not being able to perform her profession as an attorney due to any conditions she
3 claims to be attributable to the accident in which event Defendants may introduce Mr. Howden's
4 opinions at trial. [Plaintiff's MIL No. 11, Dkt. 195];
5

6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** In reliance upon
7 Plaintiff's representation that she will not be calling Mr. Sidlow as a witness at trial, Defendants
8 will not call Mr. Kirkendall as a witness at trial. [Plaintiff's MIL No. 12, Dkt. 196];
9

10 IT IS SO ORDERED this 29th day of December, 2015.
11

12 
13 _____
14 UNITED STATES DISTRICT JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28

EGLET PRINCE